

RECITALS

WHEREAS, the City requires assistance in the formulation, writing and public presentation of new mixed use zones and their design standards to add to the City Zoning Ordinance; and

WHEREAS, the City requires assistance in determining the nexus between the new zones and utilization of public infrastructure (e.g., streets, hydrology, water, wastewater) that might be the basis of impact fee reductions; and

WHEREAS, the City issued a Request For Proposals for the City Council Department, RFP2006-005-SV, titled "Volcano Heights/Planned Growth Strategy: New Zones", which is attached hereto as Exhibit A and by this reference made a part of this Agreement; and

WHEREAS, the Contractor submitted its proposal, dated August 29, 2005, in response to RFP2006-005-SV, which proposal is attached hereto as Exhibit B, and by this reference made a part of this Agreement; and

WHEREAS, the duly formed Ad Hoc Evaluation Committee selected the Contractor's proposal from among the responses to the RFP, and has recommended award of this contract to the Contractor; and

WHEREAS, the City desires to engage the Contractor to render certain services in connection therewith and the Contractor is willing to provide such services.

NOW THEREFORE, in consideration of the premises and mutual obligations herein, the parties hereto do mutually agree as follows:

1. Scope of Services. The Contractor shall perform the following services (hereinafter referred to as the 'Services') in a satisfactory and proper manner, as reasonably determined by the City, in accordance with the following which has been developed by the parties from Exhibit A, as supplemented by Exhibit B:

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Task 1 – Background Review

A. Review the existing zones, design standards, zone change procedures, and zoning implementation processes in the City Zoning Code.

B. Review the Planning Study Report that is the conceptual basis of the Volcano Heights Plan, which will likely be the first application of the new zones and design standards. The new zones and design standards must be largely consistent with the zones described therein.

C. Review the general descriptions of the new mixed use zones (i.e. Planned Village Development – TND, Transit Oriented Development / Corridor, Conservation Subdivision, Commercial Center, Campus, Employment Zone, Infill Development Zone) as contained in Volume 2 of the Planned Growth Strategy ("PGS") Report and City Council legislation R-02-111 and O-02-39. The Contractor also must be conversant with the design standard elements listed in Council bill R-02-111.

D. Review other examples of more innovative neighborhood and corridor plans that rely on new mixed-use zones, design standards, and (in some instances) expedited regulatory review for their implementation. These include the East Downtown Huning Highlands Urban Conservation Overlay Zone, the Downtown 2010 Sector Development Plan, Master Plan for Central – Highland – Upper Nob Hill (currently being reviewed for adoption), the 12th and Menaul Study, and the Uptown Sector Development Plan.

E. Review the parts of R-04-159 (the bill adopting impact fee waivers and reductions) and R-02-111 (the bill adopting the PGS) that call for reductions in impact fees for development projects that are consistent with the new zones and design standards. These reductions can be granted if a quantified case is made that the new zones and design standards (including streetscape) decrease infrastructure utilization (roadway, drainage, water and wastewater facilities) and reduce public sector costs.

F. Assignments / Work Products / Timing.

1. The list of documents to be reviewed will be provided by the Contractor to the project manager assigned by the City (the "Project Manager") to the tasks described in this Scope of Services ("the Project"). The Project Manager shall provide any information or direction required by this Scope of Services to the Contractor, assemble any comments provided by the City's Management Committee, and facilitate the logistics of scheduling, furnishing meeting places, and notification.

2. When the documents have been reviewed the Contractor will communicate by memo to the Project Manager regarding how the documents will be utilized in the project.

3. Time required for completion of this Task is 15 working days from execution of this Agreement.

Task 2 - Interviews with Key Stakeholders and Staff

A. Hold up to 15 one-hour conference calls with staff, other professionals, and

stakeholders to identify the land use, design, streetscape, and infrastructure and impact fee reduction issues the new zones need to address, the expectations for the new zones, and the context in which they will be implemented. These stakeholders include, but are not limited to, City Councilors, staff and professionals responsible for the Volcano Heights Plan and the Planned Growth Strategy, Planning Department staff, Environmental Planning Commissioners, neighborhood associations, business groups, and property owners. The discussions will highlight the following issues:

1. The mix, proportions and volumes of the uses in each zone.
2. The design standards associated with the zones.
3. Alternative approaches to implementation – e.g., tightly specified zone and design regulations with expedited approval process; flexible regulations with heavy review; utilization of existing tools in the City’s Zoning Code.

B. Assignments / Work Products / Timing

1. The list of interviewees will be developed in consultation with the Project Manager.
2. The draft interview questions will be reviewed with the Project Manager.
3. The Contractor will furnish a written report to the City Council staff summarizing the information yielded by these interviews and how it is expected to shape future project work products
4. Time required for completion of this Task is 30 working days from execution of this Agreement.

Task 3 – Initial Draft of New Zones and Design Standards Related to New Zones

A. Provide drafts of the new zones, their design standards (including streetscape) and their regulatory application in specific implementable detail. Utilize the description of the zones and design standards in R-02-111 and O-02-39 and in the Planning Study Report that is the conceptual basis of the Volcano Heights Plan. Utilize, as well, best national practices in zoning and design.

B. Provide a general description of anticipated development impact reductions yielded by the new zones and design standards. (The infrastructure efficiency analysis occurs in Task 5).

C. Provide a written analysis of procedures (e.g., flexible legislation / strong review or specific legislation / expedited review) that empower preferred design concepts and make recommendations as to alternative approaches to processing mixed use zones in the City of Albuquerque. Provide justification for why recommendations made are well suited to the City of Albuquerque.

D. Assignments / Work Products / Timing

1. The written draft work products (new zones, design standards, regulatory application, quantification of reduced development impacts, and analysis and recommendation of procedures) will be reviewed with the Project Manager.
2. Time required for completion of this Task is 45 working days from execution

of this Agreement.

Task 4 – New Zones, Design Standards, and Regulatory Approval: Refine, Review, Rewrite, Adopt

A. Within 10 calendar days after the completion of Task 3, the Project Manager will provide the Project Manager / Management Committee's review and comments to the Contractor. One (1) set of comments will be provided in a single document, and Project Manager will resolve any inconsistencies in the comments and provide final direction to the Contractor. Contractor will refine the zones, design standards, and regulatory approval as needed, based on the comments on the products of Task 3 that are consistent with the scheduling and budget limitations of this Scope of Services.

B. Contractor will make in-person informational presentations of the refined zones, design standards and regulatory approaches generally to the same stakeholders contacted in Task 2.

C. Contractor will rewrite the zones, design standards, regulatory approval approaches, incorporating the input gained during the informational presentations to stakeholders and package these final versions as draft legislation.

D. Contractor will facilitate the adoption of the draft legislation into law.

1. Make in-person informational and lobbying presentations of the legislation to:
 - a. stakeholders and the public via direct discussion, appearances on Government Channel 16, meetings with newspaper editorial boards, and so on;
 - b. the Environmental Planning Commission;
 - c. the City Council.

E. Assignments / Work Products / Timing

1. The Contractor's presentations will be previewed by the Project Manager / Management Committee.
2. The presentation audiences will be developed in consultation with the Project Manager / Management Committee.
3. The schedule of presentations will be made in coordination with City Council staff.
4. Three trips are required: one to present the refined draft to stakeholders (after Task 4-B, above), two to present the proposed legislation. It is assumed that each trip will be at least two full days in length.
5. Time required for completion of this Task is 90 working days after execution of this Agreement.

Task 5 – Infrastructure Efficiency Analysis, Reduction in Impact Fees, Implementation Procedures

A. Provide to the Project Manager a draft report containing the research / theoretical / empirical basis for reductions in impact fees resulting from utilizing new design standards and

new zones that reduce development impact on roadway facilities, drainage facilities, water and waste water facilities, based on the following:

1. Literature review and synthesis into matrix of potential fee reductions by density, land-use configuration, and location.
2. Analysis of Nationwide Household Transportation Survey to generate fee-reduction coefficients reasonably related to land-use mix, density and location factors relevant to Albuquerque.
3. Analysis of Census Transportation Planning Package data as appropriate for Albuquerque and set of other reasonably comparable metropolitan areas to generate fee-reduction coefficients reasonably related to land-use mix, density and location factors relevant to Albuquerque.

B. Provide to the Project Manager a draft report containing the quantification of the impact reductions that will be used to adjust impact fees.

C. Provide a written implementation procedure for applying the reductions to development proposals.

D. Assignments / Work Products / Timing

1. Time required for completion of this Task is 100 working days after execution of this Agreement.

Task 6 – Fiscal Impact Analysis: Refine Review, Rewrite, Adopt

A. Within 10 calendar days after the completion of Task 5, the Project Manager will provide the Project Manager / Management Committee's review and comments to the Contractor on Task 5. One (1) set of comments will be provided in a single document, and Project Manager will resolve any inconsistencies in the comments and provide final direction to the Contractor. Contractor will refine the research / theoretical / empirical basis for reductions, the quantification recommendations and the implementation procedures as needed, based on the Project Manager / Management Committee review and comments of the products of Task 5 that are consistent with this Scope of Services.

B. Make in-person informational presentations of the refined research / theoretical/ empirical basis for reductions, the quantification recommendations and the implementation procedures generally to the same stakeholders contacted in Task 2.

C. Rewrite the quantification recommendations and the implementation procedures incorporating the input gained during the informational presentations to stakeholders and package these final versions as draft legislation.

D. Facilitate the adoption of the draft legislation into law.

1. Make in-person informational and lobbying presentations of the legislation to:
 - a. stakeholders and the public via direct discussion, appearances on

Government Channel 16, meetings with newspaper editorial boards, and so on;
b. the City Council.

E. Assignments / Work Products / Timing

1. The Contractor's presentations will be previewed by the Project Manager / Management Committee.
2. The presentation audiences will be developed in consultation with the Project Manager / Management Committee.
3. The schedule of presentations will be made in coordination with City Council staff.
4. One (1) trip is required.
5. Time required for completion of this Task is 135 days after execution of this Agreement.